

Applic. No. 10/727,753

Amdt. dated March 30, 2007

Reply to Office action of December 1, 2006

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Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1 and 3-5 remain in the application. Claim 1 has been amended.

In item 3 on page 2 of the Office action, the Examiner stated that the rejections in items 6-9 of the previous Office action mailed 6/20/2006 are maintained and incorporated therein by reference.

The rejections has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found in Figs. 1 and 2 of the instant application and on page 4, lines 4-19 of the specification.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

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Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

the outlet nozzle of the condensation tube being formed by a tube section having a beveled end defining an outlet opening directed towards the surface defining the horizontal.

Claims 1 and 3 have been rejected as being fully anticipated by Kobayashi et al. (U.S. Patent No. 4,036,291) (hereinafter "Kobayashi") under 35 U.S.C. § 102.

The Kobayashi reference discloses a cooling device for an electronic device. Kobayashi discloses that auxiliary tubes (32) have lower open ends (34). Kobayashi discloses that the open ends (34) are directed away from the surface of the coolant (12). Kobayashi does not disclose that the open ends are directed toward a surface of the coolant (12).

The reference does not show the outlet nozzle of the condensation tube being formed by a tube section having a beveled end defining an outlet opening directed towards the surface defining the horizontal, as recited in claim 1 of the instant application. The Kobayashi reference discloses a tube

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that has an open end directed away from a surface of the coolant. Kobayashi does not disclose that the open end is directed towards the surface of the coolant. This is contrary to the invention of the instant application as claimed, in which the outlet nozzle of the condensation tube is formed by a tube section having a beveled end defining an outlet opening directed towards the surface defining the horizontal.

Claims 1 and 5 have been rejected as being unpatentable over Krebs Fig. 4 in view of Garabedian (US 4,986,956) under 35 U.S.C. § 103(a).

The Krebs reference discloses containment having a vent pipe and a pressure suppression pool. Krebs discloses the vent pipe has an opening in the pressure suppression pool that is directed away from the surface of the liquid in the pool. Krebs does not disclose that the open end of the vent pipe is directed toward a surface of the coolant.

The Garabedian reference discloses containment having a downcomer line (14). The downcomer line (14) has a termination end (22). Garabedian discloses that the termination end (22) is directed away from the surface of the water in the suppression tank (12). Garabedian does not

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disclose that the termination end of the downcomer pipe is directed toward a surface of the coolant.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The references do not show or suggest the outlet nozzle of the condensation tube being formed by a tube section having a beveled end defining an outlet opening directed towards the surface defining the horizontal, as recited in claim 1 of the instant application.

The Krebs reference discloses that the vent pipe has an opening in the pressure suppression pool that is directed away from the surface of the liquid in the pool. Krebs does not disclose that the pipe opening is directed towards the surface of the coolant. This is contrary to the invention of the instant application as claimed, in which the outlet nozzle of the condensation tube is formed by a tube section having a beveled end defining an outlet opening directed towards the surface defining the horizontal.

The Garabedian discloses that the termination end of a downcomer lines is directed away from the surface of the water

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in the suppression tank. Garabedian does not disclose that a termination end is directed towards the surface of the coolant. This is contrary to the invention of the instant application as claimed, in which the outlet nozzle of the condensation tube is formed by a tube section having a beveled end defining an outlet opening directed towards the surface defining the horizontal.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

Claims 3 and 4 have been rejected as being unpatentable over Krebs Fig. 4 in view of Garabedian and further in view of either John et al. ("Introduction to Fluid Mechanics," Second Edition) (hereinafter "John") or Nayyer ("Piping Handbook," Seventh Edition) under 35 U.S.C. § 103(a). Neither John nor Nayyer make up for the deficiencies of Krebs and Garabedian. Since claim 1 is believed to be allowable, dependent claims 3 and 4 are believed to be allowable as well.

Claims 3 and 4 have been rejected as being obvious over Kobayashi (U.S. Patent No. 4,036,291) in view of either John ("Introduction to Fluid Mechanics," Second Edition) or Nayyer ("Piping Handbook," Seventh Edition) under 35 U.S.C. § 103.

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Neither John nor Nayyer make up for the deficiencies of Kobayashi. Since claim 1 is believed to be allowable, dependent claims 3 and 4 are believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1 and 3-5 are solicited.

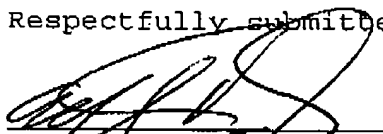
In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of \$120 in accordance with Section 1.17 is enclosed herewith.

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Please charge any other fees which might be due with respect  
to Sections 1.16 and 1.17 to the Deposit Account of Lerner  
Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,



For Applicant(s)

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AKD:cgm

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